

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. Waylon Russell**

**Docket No. 7:05-CR-9-1**

**Petition for Action on Probation**

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Waylon Russell, who, upon an earlier plea of guilty to Steal, Purloin and Convert to own use, Records, Vouchers, Money and Things of Value Belonging to Social Security Administration, 18 U.S. C. §641, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 6, 2005, to a 60 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

On January 17, 2006, the court was apprised the probationer had used marijuana. The court modified his conditions to include a two day sanction in jail, the DROPS condition and continued Russell on probation.

On March 28, 2007, the court was apprised Russell had used a controlled substance, failed to pay his fine and had incurred new criminal conduct. Russell was continued on probation and his conditions were modified to include that he not operate a motor vehicle until license restored and pay \$1000 towards balance of restitution.

On May 15, 2009, the court was apprised the probationer had moved to Florida without approval and had failed to pay his monetary obligation as ordered. It was recommended and the court agreed that no action be taken and the violations be held in abeyance.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The probationer is currently residing in Florida and is being supervised by the Middle District of Florida Probation office. Since his transfer to Florida, in March 2009, the probationer has failed to maintain employment and has quit at least two jobs without the approval of the supervising probation officer. Furthermore, he has made little effort to pay towards his restitution obligation as ordered by the court. The supervising probation officer recommends that Russell's conditions be modified to include a 60 day placement at a residential reentry center, to serve as a sanction for his non-compliance, as well as assist him with obtaining employment. Russell's probationary sentence will expire on September 5, 2010.

The offender signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The offender shall reside at the Residential Reentry Center (RRC) for a period of 60 days and shall observe the rules of that facility. While at the center, you shall be placed in the community confinement component of the program, follow all center rules, and probation officer's instructions regarding the implementation of the court's directive. Further, you shall contribute towards the cost of subsistence and may be required to pay for a physical at your own expense prior to entering the program. Costs of transportation to and from the RRC shall be the responsibility of the offender.

**Waylon Russell**  
**Docket No. 7:05-CR-9-1**  
**Petition For Action**  
**Page 3**

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton  
Pamela O. Thornton  
Senior U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: (910) 815-4857  
Executed On: June 15, 2010

**ORDER OF COURT**

Considered and ordered this 16<sup>th</sup> day of June, 2010, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge